



The end of Aboriginal self-determination?

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Abstract

The context of the paper is the abolition of the Aboriginal and Torres Strait Islander Commission by the Howard Coalition government in 2004. The Howard government has a well-established antipathy to a rights-based agenda in Aboriginal affairs and the institutional manifestations of Aboriginal self-determination, particularly at a national level. The radical reforms that were signalled by the abolition of the Commission had led some commentators to pronounce the end of Aboriginal self-determination. However, this idea emerged out of the contested dynamic between the Aboriginal movement and the Australian state over the last four decades. I am consequently more optimistic about the potential for a self-determining Aboriginal future. In the final section of this paper I map out three possible future landscapes that are primarily differentiated by the capacity of the Aboriginal movement to renew itself, and engage with the opportunities provided by both the evolving character of the Australian state and the developing global Indigenous networks.

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1. Introduction

Over the last decade there has been a significant shift in public debate on policy for Aboriginal Australians. The clearest signal that a new discursive regime in Australian colonial relations had arrived came in 2004 when the Howard Coalition government announced its intention to abolish the Aboriginal and Torres Strait Islander Commission (ATSIC) and initiate the most radical reform of the Commonwealth administration of

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Aboriginal affairs for nearly three decades. In making this announcement the Prime Minister John Howard signaled the broader policy context for this decision [1]:

We believe very strongly that the experiment in separate representation, elected representation, for indigenous people has been a failure. We will not replace ATSIC with an alternative body.

ATSIC had been seen by many as the definitive institutional manifestation of Aboriginal self-determination—a policy framework for Aboriginal affairs that had been in place since 1973. The Commission had been established in 1990 as a statutory authority with the responsibility for managing a significant number of the Commonwealths Aboriginal programmes and providing policy advice to the relevant Minister. Its original structure included 60 regional councils, elected by the Aboriginal community. The regional councils were responsible for the allocation of resources within their jurisdiction and the election, from within their ranks, of the Commission's 20 board members [2]. In that sense, the principle of self-determination had been embedded in the institutional structure and process of the Commission.

When 'self-determination' was first introduced as a policy construct in Aboriginal affairs, it represented a radical departure from the previous assimilationist approach. Under this prior regime, the right of Aboriginal people to participate in the political and civic processes of the Australian state was conditional on the adoption of the culture of 'settler Australia'. 'Self-determination', on the other hand, presumed and affirmed the right of Indigenous Australians to participate in making decisions on issues that related to their communities. It created a state-recognised role for Indigenous organisations and political structures. Nearly three decades later the decision of the Howard government to abolish ATSIC and re-frame Indigenous policy in terms of 'mutual obligation', prompted some press commentators to proclaim the end of "Aboriginal self-determination" [3].

Since announcing its decision to dismantle ATSIC, the Howard government has reallocated the Commission's programme responsibilities to mainstream government departments, appointed a National Indigenous Council and begun to develop "Shared Responsibility Agreements" (SRA's) with Aboriginal communities. The SRA's are based on the principle of mutual obligation which links the provision of government resources or services to funds to agreed undertakings by Aboriginal people and local communities.

This leads me to the central concern of this essay: what, if any, future does thinking about self-determination have for Indigenous Australians? Is it a policy idea that is now simply exhausted? Is there no place for an Aboriginal polity within the context of the Australian state? Are the institutional developments, including participatory policy processes, the Indigenous bureaucracy, the Aboriginal-managed non-government sector, destined to become artefacts in the policy archaeology of Aboriginal affairs? In this paper I want to lay out three possible future landscapes for the future of Aboriginal self-determination. These landscapes have been constructed taking into account the sociological dynamics that have shaped the realisation of Aboriginal self-determination over the last three to four decades. Significantly, this includes a focus on the developing Aboriginal movement and Australian state within a frame that is both local and global. Notwithstanding its future as a policy construct, self-determination represents the social practice through which Aboriginal people collectively organise. Whilst the Australian state constrains the manifestations of Aboriginal polity—Aboriginal political action is also

determined by the vision, capacity of Aboriginal communities and the social and political networks that they create.

However, before I return to consider these possible future landscapes I will reprise some of the key demographic and social indicators about Indigenous Australia before going on to consider in more detail the development of the Aboriginal 'self-determination' as a policy framework, considering both the development of the Aboriginal movement, and the incorporation of the idea of self-determination with the Commonwealth policy and administrative systems over the last three decades. My intention in taking this approach is to historicise the discussion on Aboriginal futures. I have done so in order to reveal some of the fundamental social dynamics that have driven, to date, the realisation of Aboriginal self-determination. The processes and values that have underlain Aboriginal political action, and the responses of the Australian state are significant inasmuch as they reveal the transformative possibilities that are critical to a discussion on Aboriginal futures.

2. Indigenous Australia in profile

According to the 2001 Australian census, Indigenous Australians constituted 2.4% of the total Australian population, with 90% of this total describing themselves as Aboriginal, 6% as Torres Strait Islander, and 4% as both Aboriginal and Torres Strait Islander [4]. There are significant differences in the demography of Indigenous Australia and the total Australian population. The Indigenous Australian population is relatively young with half being aged less than 20.5 years in 2001 (compared with 36 years for the non-Indigenous population) [4]. The geographical distribution of the Indigenous Australian population is also distinct. Whilst 30% of Aboriginal and Torres Strait Islander people live in major Australian cities (where they constitute about 1% of the population) and 43% reside in large regional areas, one in four (27%) live in remote and very remote regions (constituting 45% of the population in very remote areas) [4].

The social disadvantage of Indigenous Australia is well documented. The expectation of life at birth for Aboriginal and Torres Strait Islander people is about 17 years less than that for the total Australian population [4]. Indigenous Australians have higher rates of unemployment (20.3% compared with 5.8%, in 2002) and relatively poorer income (\$AUD394 per week compared with \$AUD665 per week, gross mean equivalised household income) [4]. Educational outcomes are also poorer for Indigenous Australians—so that in 2002, 18% of Indigenous Australians had completed Year 12 compared with 44% of non-Indigenous adults [4]. In 2002, only 27% of Indigenous households lived in homes that were owned or being purchased by their occupants, compared with 73% of other Australian households [4].

Indigenous Australia is culturally and linguistically diverse. In addition to recognizing the distinction between Aboriginal and Torres Strait Islander peoples, many Indigenous people also prefer to be recognized by local/regional identities such as Koori, Murri, Ngoongar. For the purposes of this paper, I will mainly refer to Aboriginal Australians as that is my background and speaking position. Some of the issues that I discuss will have resonance for Torres Strait Islanders, but they have a distinct history and there are possible futures for Torres Strait Islander self-determination that are similarly distinct.

The majority of Aboriginal people nowadays do not live in discrete communities. The majority of Aboriginal people live in contexts in which we frequently deal both with

mainstream (non-Aboriginal) institutions and processes as well as those that are specific to our community.

3. Aboriginal rights and autonomy: A movement for change

Australia federated in 1901 as a ‘white’ Australia, a British enclave in the Asia Pacific. This moral community was reflected in the constitutional arrangements governing the administration of Aboriginal affairs. Under the 1901 constitution the States (or former colonies) retained the responsibility for colonial administration. The new Commonwealth government was to play an indirect role after it assumed the responsibility for the administration of the Northern Territory from South Australia in 1911. Commonwealth and State legislation restricted Aboriginal access to social welfare and denying them some of the rights (such as the right to vote or work, freedom of movement and so on) that we would now see as fundamental to citizenship in a liberal democratic state. It was not until the decades following the Second World War, and particularly during the decade of the 1960s, that legislative and constitutional reform removed a number of the key structural barriers to civic equality for Indigenous Australians.

The discriminatory clauses that prevented Aboriginal people (variously defined) from accessing Commonwealth social welfare programmes were removed in part by legislation passed in 1959 with the final exclusions being legislatively removed in 1966 [5]. Commonwealth legislation was also passed in 1949 giving Aboriginal returned servicemen the right to vote in Commonwealth elections. Then in 1962 another Commonwealth bill gave the franchise to all Aboriginal adults, although voting was not compulsory for Aboriginal Australians (unlike other Australians) until 1984 [5]. State and Territory legislation was reformed independently over the same period where previous legislation had restricted the movement of Aboriginal people, their right to work and their right to vote (in elections for this level of government) [5]. Aboriginal citizenship, inasmuch that it is constructed through legislation, was transformed bit by bit in the uncoordinated fashion that had characterised most of the national development of colonial administration since federation in 1901. The racialised basis of the Australian state—as it was envisioned at federation—was beginning to unravel. The 1967 Commonwealth referendum, which resulted in the deletion of the race clauses from the Australian constitution,¹ was a pivotal moment in this period of reform. This referendum removed the constitutional barriers to the Commonwealth involvement in Aboriginal affairs, enabling the Commonwealth to pass bills that would allocate resources into Aboriginal programmes.

¹In the Australian constitution of 1901, there were two specific references (or race clauses) that related to Aboriginal people. The relevant clauses were to be found in section 51:

The Parliament shall subject to this Constitution, have power to make laws for the peace, order, and good government of the Commonwealth with respect to:
(xxvi) The people of any race, other than the Aboriginal race in any State, for whom it is deemed necessary to make special laws

A further clause in section 127 to the effect that:

In reckoning the number of people of the Commonwealth, or of a State or other part the Commonwealth, aboriginal natives shall not be counted.

The reforms that led to the realisation of Aboriginal rights was indicative of political momentum for change that had been generated by a political movement with a number of intersecting and conflicting strands. This movement had involved various church groups, the communist party, trade unions, intellectuals and number of specific political organisations with varying political agendas [6,7]. The Federal Council for the Advancement of Aboriginal and Torres Strait Islanders (FCAATSI), which had been established in 1957, was relatively influential in this political context and Aboriginal political activism more generally became increasingly strident. For instance, Aboriginal activists such as Charles Perkins staged protests such as the Freedom Ride in northern New South Wales in 1965 exposing the discrimination and racism in these country towns to a broader metropolitan public [7]. Perkins, along with “29 nervous white students aboard” headed northwest of Sydney:

What began as a tentative exercise firmed into a dramatic series of confrontations with the white of country towns, particular in Walgett and Moree. Local Aborigines increasingly took part in the attempt to break the colour bar in hotels, shops and swimming pools, and protect the bus riders from an attempt on their lives as Walgett whites tried to drive their bus off the road. [8, p. 320]

The Freedom Ride generated considerable interest and media commentary in metropolitan Australia—confronting many for the first time with the reality of race relations in the Australian hinterland. However, this was not an isolated political event. For example, the decision by the Arbitration and Conciliation Commission in 1966 to support equal wages, but delay the implementation until 1968, resulted in strike action by Aboriginal pastoral workers at Wave Hill in the Northern Territory. This strike was to become a sentinel political event that ushered in the contemporary struggle for Aboriginal land rights and the broader political movement.

Increasingly the Aboriginal political movement was led by Aboriginal people who advocated a set of values which in different ways coalesced around notions of autonomy: self-determination, sovereignty and community control. Emblematic of this transformation, FCAATSI split at its 1970 Easter Conference over a failed resolution that only people of Aboriginal and Islander descent should be on the executive and vote at general meetings [6]. Whilst the Aboriginal political movement continued to focus on civil rights it also developed a focus on issues such as Land Rights, Aboriginal community control of its health, legal and education services; Aboriginal control of Aboriginal cultural heritage.

In broad terms Aboriginal autonomy became linked to the idea of Indigenous rights, which were seen to have been consequent on the status of Aboriginal people as a colonised people with rights that flowed from their status as the prior owners and occupiers of the Australian continent. The movement for Aboriginal land rights is directly consequent on these developments. Aboriginal people in asserting land rights claimed both an existing and continuing tenure, but also the right to manage that tenure within the context of an Aboriginal polity. Similarly, in the movement for ‘community control’, Aboriginal people started to claim the right to manage their own welfare and community services. This development was to gain momentum particularly in the field of health, which began to attract Commonwealth funding from the early 1970s. Established under a cooperative model these Aboriginal community controlled services have become, over the last three decades, the most significant institutional provider of Indigenous specific programmes in

the sector. Community controlled Aboriginal services provide one organisational structure through which the vision of self-determination can be realised.

3.1. *Aboriginal self-determination and the Indigenous organisational sector*

Self-determination was formerly introduced into Commonwealth policy by the Whitlam Labour government in 1973 [2]. Assimilation was no longer the cornerstone of Commonwealth policy as developed its new role in this sector. The Whitlam Labour government asserted a greater role for the Commonwealth in Aboriginal policy and programmes and, in 1973, made a formal offer to State ministers to assume responsibility for their disparate Aboriginal welfare programmes. With the exception of Queensland, this offer was accepted and the Commonwealth Department of Aboriginal Affairs (DAA) was created, to administer the Aboriginal programme funding that the Commonwealth had provided to State governments since 1968 as well as the funding that was increasingly provided to the independent Aboriginal incorporated organisations [2,9].

Self-determination was a policy construct that resonated with the ideas of Aboriginal autonomy that were becoming increasingly important at this time. As a policy principle it had become established through a number of international instruments, principally the United Nations Charter of 1945, The UN General Assembly Declaration on the Granting of Independence to Colonial Countries of 1960, and the UN International Covenants on Civil and Political “Rights and Economic, Social and Cultural Rights of 1966 [2]. Increasingly international institutions, such as the United Nations, and former colonial states, were discarding the idea of assimilation to replace with the view that Indigenous peoples should have the right to determine their own future [10].

Significantly, this policy construct was realised during a period of significant expansion in Indigenous programmes which saw the corresponding development of an Indigenous programme structure within the Commonwealth (at to lesser extent State and Territory) government bureaucracies. These institutional developments resulted in the development of Indigenous organisational sector (after [2]).

At a Commonwealth level, this Indigenous organisational sector has been comprised of a complex set of government and semi-autonomous institutions. These include:

- Policy development mechanisms (such as the: National Aboriginal Consultative Committee (NACC), 1973–75; National Aboriginal Council (NAC), 1975–84; and ATSIC, 1990–2004; and the National Indigenous Council (NIC) from 2004–);
- Government departments and statutory authorities with programme responsibilities (such as the Department of Aboriginal Affairs 1972–89; Aboriginal Development Corporation 1980–89; The Aboriginal Torres Strait Islander Commission, 1989–2004);
- Instrumentalities for the administration of land rights legislation (such as the National Native Title Tribunal established under the *Native Title Act* (1993));
- Other instrumentalities established to advance government strategy. The position of the Aboriginal and Torres Strait Islander Social Justice Commissioner which was established in 1992 in response to the findings of the Royal Commission into Aboriginal Deaths in Custody and the National Inquiry into Racist Violence [11]. A Council for Aboriginal Reconciliation was established (1991–2001) to promote the process of reconciliation. It was replaced in 2001 with Reconciliation Australia—a

non-government, not-for-profit organisation with the mandate to “continue the national focus for reconciliation” [12].

Early attempts at engaging Aboriginal Australians in the Commonwealth policy process (through the NAC or NACC) were criticized for lacking real mechanisms to give Aboriginal people decision-making power [13]. In this context a new approach to the administration of Aboriginal programmes and the development of policy was envisioned. Consequently, the Aboriginal and Torres Strait Islander Commission was established under legislation passed in 1989 by the merging of the programme responsibilities of the Commonwealth Department of Aboriginal Affairs and the Aboriginal Development Corporation into a structure that included regional councils elected by the Aboriginal community. At the Commonwealth level, ATSIC had the lead agency responsible for the administration of a range of programmes such as: community development and employment (CDEP); housing and infrastructure; cultural heritage, broadcasting services; legal services; native title, land rights and the Indigenous land fund, etc. However, its most significant difference from the Department of Aboriginal Affairs was that it integrated policy processes and programme administration [2].

Although ATSIC represented an approach to embedding the principles of Aboriginal self-determination into an institutional structure—it is not the only approach developed by the Commonwealth apparatus. Significantly, we also need to include within this construct—an Indigenous Organisational Sector—the large number of Aboriginal-managed non-government organisations. Funded by Commonwealth and jurisdictional governments, these organisational structures are significant providers of specific services to Aboriginal communities. These organisations rely on government funding to a large extent for their survival, however, they are not completely dependent on any particular level of government. Their ongoing existence will guarantee to a certain extent that some of the ideals of Aboriginal decision making and management continue to be realised into the future.

3.2. *We will do the listening ourselves*

The opposition by John Howard and other senior members of the Coalition government to “Aboriginal self-determination” (at least in some forms) was clearly articulated in the public arena long before the abolition of ATSIC was conceived [14]. In fact, the key elements of the current policy approach to Aboriginal affairs had been mapped out in the years leading to the 1996 Commonwealth election when Howard’s Liberal and National Party Coalition won power from the Keating labour government. The contours of this policy agenda included: a strong antipathy to a rights-based agenda in Aboriginal affairs and the idea of Aboriginal ‘self-determination’ and a cultural agenda to dislodge the pejoratively labelled ‘black armband history’. Political momentum supporting the new agenda in Aboriginal affairs grew following the election of the Howard government, spurred on to a large extent by the development of a broader neo-conservative political movement determination [15–22]. Advocates of these political values believe that the political and cultural pendulum has swung too far in the favour of Indigenous Australians and seek to constrain, even wind back, the developments of the last three decades. Instead emphasis has been placed on achieving practical outcomes, such as in health, education or housing.

One particular manifestation of this cultural counter-movement was that which became associated with an independent member for parliament, Pauline Hanson. The movement developed a significant political following co-incident with the election of the first Howard Coalition government. Unlike the Howard coalition government, Hansonism was both economically and culturally nationalist [23]. Hanson gave voice to a broad range of concerns about multiculturalism and Aboriginal affairs, and reconstructed the white ‘Aussie Battler’ as the dispossessed. In this political debate many other conservative commentators challenged the idea of frontier histories and the symbolism that had been associated with Aboriginal reconciliation.

More specifically in relation to Aboriginal self-determination, Senator John Herron, Howard’s first Minister for Aboriginal Affairs, opposed the inclusion of a reference to ‘self-determination’ in the draft United Nations Declaration on the Rights of Indigenous Peoples [24, p. 302]. This position was consistent with a number of statements made by the Minister throughout his tenure. For example in a comment reported in *The Australian* (28 March 2002), he stated that the:

old shibboleths of self-determination were now recognised to have failed, and it really has to come down to integration. The next phase should be integration, giving Aboriginal people the opportunity for education and then allowing them to integrate as part of a unified Australian society, rather than talk about self-determination. That has failed.

Further to these remarks, the current Minister for Aboriginal Affairs, Senator Amanda Vanstone echoed these sentiments in a speech to the conservative “Bennelong Society” [25], unpaginated]:

Indigenous people live in vastly different circumstance. We need to be flexible so that our funding hits the mark and produces the results that are needed. We can only do this by listening directly to local communities and families. We cannot rely on the intermediaries to do that job for us. They should stick to their role as a service provider and focus on achieving the outcomes we require. Nor can we rely on a small group of so-called representative that only 20 percent of the Indigenous people bother to vote for. We will do the listening ourselves.

The position that has been adopted by the Howard coalition government emphasizes practical outcomes (called practical reconciliation) that are to be achieved primarily through the empowerment of individuals and families. The relationship that is being constructed here is one that is one that is not mediated by Aboriginal community organizations or as it was, ATSIC.

3.4. *The end of self-determination: The demise of ATSIC*

Notwithstanding their particular views on Aboriginal self-determination, the Howard Coalition government had been in political conflict with ATSIC from very early in its period of office on a broad range of fronts. At its very first Cabinet meeting following the 1996 election, the Howard government decided to initiate a comprehensive audit of ATSIC programmes—on the basis that “ATSIC [was] not accountable for the fund it receive[d] and that more accountability [was] required if more positive outcomes [were] to be achieved” [26]. A special auditor was appointed to review the 1122 ATSIC funded

organizations. The auditor cleared 95 per cent of them for funding. Of the five percent that were found to be non-compliant with legal and accounting requirements—most were in minor technical breach due to the late submission of financial and management reports. The federal court actually determined that the audit was beyond the Minister's powers under the ATSIC Act [26]. Allegations of corruption nevertheless continued.

ATSIC, throughout its history, had come under fire for a range of reasons. There were Indigenous critics who criticized because they did not believe it was an appropriate or adequate vehicle for realizing Aboriginal self-determination [27]. Conservatives on the other hand were opposed to it because it was, at least in their eyes, a vehicle for Aboriginal self-determination. It was criticized for its failure to deliver outcomes—although it seemed to attract some unexpected defenders in that regard—Senator Herron, for example argued in his Joe and Enid Lyons Memorial Lecture (November 2002):

I myself believe that ATSIC had done itself a disservice by failing to tell the broader community about the excellent work it is doing in addressing indigenous disadvantage. ATSIC is a professional organization comprising talented and committed elected representatives and public servants. Through both its coordination function, and role in administering a wide range of indigenous programs, it is achieving a great deal for indigenous people. There are indeed many facets of ATSIC's work to improve the living standards of Australia's indigenous people, all of which deserve to be better known (cited in [28, p. 146]).

It was also been criticized for the low participation of Aboriginal voters in its electoral processes. Although, Sanders, who reviewed ATSIC voting patterns across five election cycles from 1990–2002, argued that overall voter turnout was reasonable given the voluntary nature of ATSIC elections [29]. Undoubtedly the steadfast refusal of the ATSIC board to move away from a rights based agenda in Aboriginal affairs was a significant irritant to key members of Howard government.

The confidence of the Howard government in the ATSIC Board further deteriorated significantly under the chairmanship of Geoff Clark (the first elected chairperson in 1999). The press had raised serious allegations about Mr Clark's behaviour, including allegations of rape (which had allegedly occurred over twenty years prior). Legal action, as a result of more recent involvement in a hotel brawl resulted in the Minister for Indigenous Affairs suspending him on the ground of misbehavior (under section 40 of the ATSIC Act 1989) [30].

A government-initiated review of ATSIC was undertaken during the period December 2002–October 2003 [31,32]. The review team recommended that ATSIC be retained as the primary vehicle for representing the aspirations of Aboriginal people to all levels of government and that its existing programme responsibilities should also be retained pending a determination of its role in the context of [a] broader examination of service delivery. The review also recommended a comprehensive programme of reform primarily focused at strengthening the capacity of regional councils and improving the relationships between ATSIC and the Australian government and between ATSIC's elected and administrative arms. Prior to the completion of the review the Coalition government moved to structurally separate ATSIC into an elected arm (ATSIC) and an executive agency, Aboriginal and Torres Strait Islander Services (ATSIS). ATSIS retained, under Ministerial delegation, programme administrative responsibilities.

The Howard Coalition government ignored the recommendations of its own review, announcing the abolition of the ATSIC in 2004. The elected representative advisory structure was replaced with a government appointed National Indigenous Council (which was announced on 2 November 2004 [33]). The government also initiated the development of Shared Responsibility Agreements, exemplified by the Mulan Agreement that was described in the introduction to this paper. Undoubtedly, these are the most significant reforms in the administration of Aboriginal affairs since the Commonwealth first became involved following the 1967 referendum. Does it really spell the end of Aboriginal self-determination as the commentators have suggested?

4. Aboriginal self-determination: Landscapes of possibility

In this section of this paper I want to turn to consider the future of Aboriginal self-determination using three different landscapes as scenarios that frame the possible horizons for this idea. Before doing so, I want to theorise the social dynamics that have underlain the contested relation between Aboriginal people and the Australian state by drawing on the preceding historical account. In particular, I will explore the extent to which the relationship between Aboriginal peoples and the Australian state frames or constrains the manifestation of Aboriginal self-determination.

The arrival of self-determination as the overarching policy construct in Aboriginal affairs was associated with a complex set of changes in the relationship between Aboriginal people and the State, moving from a relationship that was pre-dominantly ex-corporative to one which was in-corporative. The ex-corporative mode was marked by diminished civil rights, racially rationed access to social welfare, and diminished social and economic participation in Australian nationhood. In this context the colonial processes acted to ex-corporate Aboriginal people from the body-politic of the Australian state. Legislative and constitutional reform during the decades of the sixties and seventies unravelled this ex-corporative relationship by removing the barriers to Aboriginal participation in the civic process whilst at the same time maintaining and significantly elaborating a differential policy, programme and service relationship with Aboriginal Australia.

Within the context of an in-corporating colonial relationship, Aboriginal people became eligible to vote and participate in the welfare economy. However, Aboriginal citizenship was further differentiated through the development of an Indigenous organisational sector that also came to include a significant non-government sector that was Aboriginal managed. Paradoxically, the internalisation of difference within the bureaucratic and service processes of the Australian state has led to the further reproduction and recognition of difference—not its erasure. Departmental Annual reports, for example, mark difference through the accounting of differential expenditure and programme outcomes. The development of specific policies, the rollout of strategy further reproduces difference. The data produced by information systems that monitor trends in Aboriginal disadvantage are consumed within a socio-political discourse that reconstitute difference and stimulates further policy change and institutional development.

In incorporating difference within the structures and processes of the State, the State in turn acts to reproduce Aboriginal collectivities. The implementation of government strategies relies on service delivery agencies such as Aboriginal community controlled organisations. Aboriginal policy development requires the social organisation of Aboriginal input. The construction of agreements, such as SRA's, is not possible without

the existence of Aboriginal polities. The abolition of ATSIC has closed off one institutional process through which the state recognised the existence of an Aboriginal polity. However, despite the political rhetoric, this has neither diminished the need of the colonising state for Aboriginal people to collectively organise, nor has it erased the processes associated with ongoing internal differentiation.

Notwithstanding the role of the State in promoting and constraining the development of Aboriginal polities, this relationship was not ‘determinant’. The development of a community-controlled service sector in fields such as health was, for example, met with some considerable resistance by some governments, professional bodies and health institutions [34]. Ultimately, this set of interests was unsuccessful in constraining the development of these organisations, and consequently they remain significant institutional vehicles for the expression of Aboriginal self-determination. An Aboriginal sociality exists, beyond the purview of the State, in the suburban backyard family barbeque, the conference workshop or the football carnival in a remote community. This sociality does not require a policy of self-determination to call it into existence. Aboriginal people are able to politically organise by drawing on social networks that are formed through broader kin and community relationships. The political values, such as Aboriginal sovereignty or community control, emerged as much from the aspirations for family and cultural life as they did as a political response to a State that racially rationed its resources and restricted Aboriginal civil rights.

On the other hand, the capacity of the Aboriginal social domain to politically organise is limited by a range of factors. In the late nineteen sixties the majority of the Aboriginal people lived in poverty and were dependent on various forms of social welfare. Aboriginal University graduates were so rare they were virtually unknown. At this time when Aboriginal participation in the formal labour force was unusual (and then mostly limited to casual and unskilled work) few Aboriginal people had experience in service management and administration. Even so the oral accounts of from previous generations of resistance and the ideas that had began to circulate about international political movements fuelled the imagination of the Aboriginal political movement that emerged at this time. Increasingly urbanised, Aboriginal people formed new socio-political alliances with trade unionists, environmentalists, and university radicals adding the impetus to the development of the street politics that characterised many of the social movements that emerged in this radical political milieu. Four decades on this representation—whilst not completely unrecognisable—no longer characterises the Aboriginal socio-political domain.

The social character of the Australian state has also been transformed in the face of both globalising processes but also in relation to the broader Australian social polity of which it is a part. Deregulation of the financial and labour markets have changed the relation between the State and the national economy. This was one impetus for the development of the economically and culturally nationalist politics associated with Hansonism. It has also produced a re-alignment of the traditional industrialising polity that is based on the social differentiation of class and capital. Global alliances driven by the political tensions of the cold war are refigured through the lens of global terror and a world order dominated by American imperialism. These global processes are further refracted through the ongoing transformation of colonial relationships.

What then are the future landscapes for Aboriginal self-determination. The Howard coalition government has made its antipathetic position on the policy of self-determination clear—and to that end has pursued a radical realignment of its relations with Aboriginal

people and communities. But what of the social practice of self-determination that is manifest in both the Aboriginal domain and through its dialectic relationship with the state? In the section that follows I attempt to map our three possible landscapes. The first of these, the more pessimistic, is characterised by an Aboriginal polity that is exhausted, with limited capacity to renew itself within the context of this changing political landscape. The second is one in which this polity is re-invigorated drawing on a generation of developing political autonomy and renewed by the energy and vision that comes from generational change. In the final landscape I shift frame from a local/national perspective to consider the possibility that are emerging through global and trans-national social developments.

4.1. Landscape one: A vision that expires

On the face of it, it is quite possible that the shift in the political discourse that has accompanied the radical reform of Aboriginal policy and programmes will become entrenched by a culturally conservative orthodoxy and the failed generational renewal of Aboriginal politics. There is no reason to assume that future progressive (Labour) governments at the Commonwealth level will naturally recapture a more cultural inclusive policy agenda. The history of the Australian Labour Party, as one of the architects of the 'White Australia' policy, calls into question the existence of a natural alliance between left wing labour politics and support for a political agenda in Aboriginal affairs based on some form of recognition of self-determination. At the same time those Aboriginal leaders who led the development of the political agenda that emerged over this time are either dead or starting to age. It is the stark reality of the demography of Aboriginal Australia that approximately half our population is under the age of 20 years. A significant proportion of the Aboriginal community were not even alive during the period of radical ferment that characterised the 1960s and 1970s. This political generation has been confronted by the media scandals that erupt when the organisations that they created fail under the weight of complex financial management or corruption and the spotlight placed on lives their personal lives and values. The political crises that led to the abolition of ATSIC were in part fuelled by such controversies.

This stark possibility marks a future of growing, rather than lessening, alienation and distrust between Aboriginal people and Australian governments. Given that trust, in some form, is critical to even the most interventions designed to alleviate Aboriginal disadvantage this alienation risks even the most politically neutral of government strategy. Interventions to improve outcomes in education, health or even housing are not likely to be effective if Aboriginal people distrust the service providers and policy makers. Such as process, if cycled through the next few generations, is likely to result in widening social disparities, even to potentially winding back some of the gains of the last few decades. The social impact of this on Aboriginal family and community life would be increasing social despair and disorganisation. Perhaps in this context we might see the re-emergence of a radical political agenda in Aboriginal affairs with a new political vision.

However, there are limits to the cultural agenda that has emerged under the current neo-liberal political hegemony—and there are also signs that its political momentum has begun to fray. 'Hansonism' has already disappeared as a political phenomenon—although many of the tensions that gave rise to it still simmer. There is also frisson and political tensions emerging within mainstream conservative politics, not all of which subscribes to the

cultural agendas that have characterised the Howard Coalition government. Republicanism, Aboriginal reconciliation, refugee policy and multiculturalism mark sites of contestation in both left-wing and conservative politics. This raises the possibility that new political alliances over the next couple of decades will emerge across this contested terrain of social values. Certainly, one of the outcomes of the reconciliation movement was the demonstration that a significant proportion of the Australian population subscribed to some of its values (particularly through the Bridge Marches in which hundreds of thousands demonstrated in the penultimate phase of the ten year decade for reform [24,35]). Even a potentially weaker Aboriginal movement might find new political alliances in new political forms that organise around notions of cultural inclusiveness and respect for social diversity.

Finally, despite the stated intentions of the Howard coalition government and its claims that the policy of self-determination has failed, its own agenda in Aboriginal affairs requires, and is likely to stimulate the further development of an Aboriginal polity. Committed to the eradication of the difference that Aboriginal social disadvantage marks, this government, like those incorporative governments that preceded it, continues to develop differentiated policy, programme and services responses that in turn reproduce and consolidate Aboriginal political responses. The Howard Coalition government Aboriginal social and health agenda continues to rely on Aboriginal community controlled organisations to deliver Indigenous-specific programmes. These organisations are institutional manifestations of the idea of self-determination (if not the policy) that are as significant to the realisation of Aboriginal polity as ATSIC has been. The Howard government's Shared Responsibility Agreements, based on the notion of mutual obligation, nevertheless presume the existence of an Aboriginal polity in order to effect the process of agreement making. Whether this is put to effect by negotiating with community organisations, Aboriginal run community councils or the remnant regional structure of ATSIC, the processes of creating an agreement is not possible through a relationship with atomised individual or family structures.

4.2. Landscape two: Renewing generations for political change

The Aboriginal social domain is not as it was 40 years ago, and it has generated new socio-political alliances. This raises the possibility of a more optimistic agenda for change.

No generation reproduces itself exactly. The political leadership of the last generation of Aboriginal leaders produced opportunities previously not afforded many Aboriginal people. The experience of organisational management, board room politics and public sector management has produced a generation of Aboriginal people with significantly different capacities to the one that preceded this. This generation of leaders is dispersed across the community, academic and public sectors and, increasingly, the business world. They are no longer dependent on charity or government subsidy to politically organise. They are also exposed to a range of different experiences that have the potential to reinvigorate ideas about forms of semi-autonomous Indigenous governance. Within weeks of the demise of ATSIC a small group of Indigenous leaders from the community public and academic sectors met in Melbourne to organise a process to reinvigorate thinking about a national representative structure and to map out a process through which it might be developed.

This generation of Aboriginal leaders has had better educational opportunities, with an increasing number of University graduates including within the professions. The growing presence of Indigenous people in the academy already is showing the potential to further develop an intellectual agenda that re-envisions some of the political values developed over the last four decades and further elaborates the institutional possibilities that might underlie a reinvigorated Aboriginal polity. The work undertaken by the Indigenous studies programme at the University of Melbourne that is producing a database of national and international instruments for agreement making between Indigenous peoples and settler colonial states will produce a bank of critical knowledge that will further enhance the symbolic capital available for Indigenous political action [36]. Events, such as those hosted by the University of New South Wales in 2004 that brought together intellectuals, policy makers and community activists to debate the relationship between development and an Aboriginal treaty and health outcomes is another example of such a development [37].

New Aboriginal political alliances that are more professional or technocratic in character are possible in such a milieu. The older alliances were forged, and contested, in a social environment that was characterised by both the new social movements as well as the older class based social movements. Now it is possible to find conservative medical organisations, such as the Australian Medical Association, broadening its irritation of governments by advocating for increasing funding in Aboriginal health and the Indigenousisation of the health workforce [38]. Such alliances exist now, but in taking the longer generational view it is possible that the complexity of these alliances will increase, and their strength will deepen. All this points to the development of capacity within the Aboriginal domain, as a result of experience, skill and educational opportunity as well as realised through newly formed social networks that may underscore the development of new forms of institutional structure through which Aboriginal self-determination could be realised. Whether the ideas are borrowed from international developments, such as the creation of Indigenous jurisdiction (the province of Nunavut in Canada, for example [39]), or other more local models of regional autonomy, this new generation has the potential to articulate many creative possibilities. Whilst to date our focus has been on local organisations and national institutions, it is possible that over the next couple of generations regional governance in places like Cape York or the Kimberleys will emerge. It is also possible that other forms of Indigenous governance will emerge, such as Clan (or kin based) Councils, in the more densely settled regions of Australia where ties with land have become weakened as a consequence of colonialism, but cultural and family ties remain strong. Already there is some intellectual momentum building to support such developments. How long it takes is in part a question of capacity and in part a question of the willingness of mainstream political structures to accommodate such possibilities.

The other factor that has the potential to both open and constrain the possibilities for Aboriginal self-determination is that of economic development. Increasingly, debate generated by Aboriginal leaders has focussed on the types of economic development that would enable Aboriginal people to move out of the welfare economy. Possibilities for economic development may grow with an increasing number of experienced and educated Aboriginal people in the business sector. Certainly, some of the alliances that have been forged through educational development will enhance the opportunities for social entrepreneurs. With greater wealth being generated within Aboriginal communities and with mechanisms to ensure that wealth is both distributed and also used to build civic

capacity, it is possible that new forms of Indigenous governance might emerge that are not reliant on government subsidy or charity.

There is another bleaker possibility within the terms of this scenario that may emerge in the generations to come. Rather than reinvigorated political action leading to the development of new institutional structures that advance Aboriginal self-determination, it is possible that these processes will lead to the creation of an educational or class-based Aboriginal elite who, through the isolation of professional practice and the growing identification of this class with bourgeoisie values and middle class institutions, becomes increasingly alienated from their less fortunate kin as well from as the political ideals of the past. Pursing their own interests and agenda, and no longer concerned about the welfare of other Indigenous people, this growing stratification within Aboriginal society would also produce an Aboriginal underclass that might potentially pursue a distinct political agenda in part-isolation, even tension, from those who have been more fortunate. Finally, whilst it may be possible for an economically developed and relatively better educated Aboriginal Australia to pursue innovative forms of political development, it is also clear that the Australian state may also choose *not* to recognise these developments.

4.3. Landscape three: From the local to the global

The previous scenarios have been framed by developments within the scope of the Australian nation state. In this final section, I want to extend this to consider the potential impact of global relations in shaping future possibilities and horizons. Here the potential developments have a longer timeframe (50–100 years) than say the possibilities of regional Indigenous governance (perhaps a couple of decades). The relationships between Indigenous peoples at an international level are more embryonic—and perhaps at a similar stage as regional relationships were in Indigenous Australia four decades ago at the beginning of the contemporary Aboriginal movement.

This local political movement has, of course, been influenced by global developments since its inception. It emerged within the context of a set of inter-related global anti-colonial movements. Ideas from the Black American civil rights movement, and subsequently the Indigenous movement in settler colonial states, such as the United States of America, Canada and New Zealand, percolated the local political brew that grew during the 1960s and 1970s. Over the last decade or so in particular, however, the globalisation of Indigenous political action has taken a new form. New political networks have been established that transect national jurisdictions drawing on both the increasing circulation of ideas and people. The movement that emerged to draft the International Declaration of Indigenous rights, although largely unsuccessful in producing international agreement, has produced a generation of Indigenous activists whose stage is global and whose relationships join up Indigenous communities in both the wealthy developed world, but also the less developed world. The development of alliances oriented towards specific sectors, such as health, only reinforce these global alliances. The Pacific Region Indigenous Doctors Congress, and the International Network for Knowledge Development in Indigenous Health, both formed since the turn of the century, also build momentum for such change [40,41].

There are opportunities in this for the development of several generations of trans-national forms of Indigenous governance. These have the potential of crossing national boundaries but drawing together Indigenous peoples who share not only common

experiences of colonisation, but also pre-colonial culture and language. These alliances, drawing on older associations as well as contemporary experiences, have the potential to be quite powerful. Imagine, for a moment, the institutional structures that joined up Pacific peoples or the Indigenous people of the circumpolar region. As the global order realigns over the next 50–100 years, with perhaps the hegemony of the ‘west’ being disrupted by the emergence of new economic powers such as China, there will be opportunities created for new global forms of governance. It is also likely that Indigenous peoples internationally may be able to exploit some of the porosity that is emerging with respect to the modern nation state. It is even further possible that, in the future, Indigenous peoples may offer alternative values and wisdom that might remediate some of the effects of the rampant globalism that have so engulfed our world over the last couple of centuries. Rather than obstacles to economic expansion, Indigenous people may, in this emerging world order, provide the necessary fulcrum on which global futures balance.

5. Conclusion

For some time the political climate in Australia has become more difficult for Indigenous Australians. The climate has certainly shifted, with a strident political discourse that is not sympathetic to Indigenous rights and challenges the notion of cultural inclusivity, and a government that has taken steps to dismantle some of the structures associated with the idea of Aboriginal self-determination. It has been personally distressing period. On the other hand, I have been buoyed by the realisation that the future also holds considerable promise. Self-determination is, for me, more than just a policy construct. It is ideal that represents many possibilities. Most significant for me has been the realisation that Aboriginal self-determination will survive if Aboriginal people are willing to develop innovative ways to support decision making and governance whilst at the same time finding ways to accommodate the traditions and values that matter most. There is certainly some considerable promise locally for new forms of regional governance, as well as possibilities to be explored in those parts of this country with which I am more familiar, the south-east. Internationally, the potential and possible power for trans-national forms of governance is only just beginning to emerge and there are many exciting possibilities that can be pursued over the next 100 years.

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References

- [1] J. Howard, Transcript of the Prime Minister, the Hon John Howard Mp Joint Press Conference with Senator Amanda Vanstone, Parliament House, Canberra, <http://www.pm.gov.au/news/interviews/Interview795.html>, 2004 (accessed 10 April 2005).
- [2] W. Sanders, Towards an Indigenous Order of Australian Government: Rethinking Self-Determination as Indigenous Affairs Policy No. 230/2002. Centre for Aboriginal Economic Policy Research, Australian National University, Canberra, 2002.
- [3] D. Jopson, C. Banham, Howard Silences Aboriginal Advocates, *Sydney Morning Herald*, 16 April 2004.

- [4] Australian Bureau of Statistics and Australian Institute of Health and Welfare, *The Health and Welfare of Australia's Aboriginal and Torres Strait Islander Peoples*, Commonwealth of Australia, Canberra, 2005.
- [5] J. Chesterman, B. Galligan, *Citizens Without Rights: Aborigines and Australian Citizenship*, Cambridge University Press, Cambridge, 1997.
- [6] V. Burgmann, *Power Profit and Protest, Australian Social Movements and Globalisation*, Allen & Unwin, London, 2003.
- [7] B. Attwood, *Rights for Aborigines*, Allen & Unwin, London, 2003.
- [8] H. Goodall, *Invasion to Embassy, Land in Aboriginal Politics in New South Wales, 1770–1772*, Allen and Unwin in association with Black Books, London, 1996.
- [9] Australian Indigenous HealthInfoNet, *Major Developments in National Indigenous Health Policy since 1967*, http://www.healthinfonet.ecu.edu.au/html/html_programs/programs_policy/programs_policies_timelines.htm, 2004 (accessed 13 January 2005).
- [10] C. Tennant, *Indigenous Peoples, International Institutions, and the Legal Literature from 1945–1993*, *Human Rights Quarterly* 16 (1) (1994) 1–57.
- [11] Australian Human Rights and Equal Opportunity Commission, *Aboriginal and Torres Strait Islander Social Justice*, http://www.hreoc.gov.au/social_justice/, 2005 (accessed 22 February 2005).
- [12] Reconciliation Australia, *What Is Reconciliation?* <http://www.reconciliation.org.au/aboutus/whatis.html>, 2004 (accessed 21 February 2005).
- [13] H.C. Coombs, C.J. Robinson, *Remembering the roots: lessons for ATSIC*, in: P. Sullivan (Ed.), *Shooting the Banker: Essays on ATSIC and Self-Determination*, North Australian Research Unit, ANU, Darwin, 1996.
- [14] R. Manne, *Left out of Step as Howard's Grip Tightens*, *Sydney Morning Herald*, 1 November 2004.
- [15] P. Howson, *Pointing the Bone Reflections on the Passing of ATSIC*, in *Quadrant*, 2004.
- [16] P. Howson, *Reality and Fantasy: The Abject Failure of Aboriginal Policy*, in *Quadrant*, 2000.
- [17] G. Johns, *The poverty of aboriginal self-determination*, in: G. Johns (Ed.), *Waking up to the Dreamtime, The Illusion of Aboriginal Self-Determination*, Media Masters, Singapore, 2001, pp. 20–45.
- [18] G. Johns, *The Failure of Aboriginal Separatism*, in *Quadrant*, 2001.
- [19] G. Partington, *Hasluck Versus Coombs, White Politics and Australia's Aborigines*, Quakers Hill Press, 1996.
- [20] T. Satour, *The new authoritarian separatism*, in: G. Johns (Ed.), *Waking up to the Dreamtime, The Illusion of Aboriginal Self-Determination*, Media Masters, Singapore, 2001, pp. 46–75.
- [21] S. Jarrett, *"This is as much as we can do": Aboriginal domestic violence*, in: G. Johns (Ed.), *Waking up to the Dreamtime. The Illusion of Aboriginal Self-Determination*, Media Masters, Singapore, 2001, pp. 102–124.
- [22] S. Etherington, *The most threatened people in Australia: the remote Aboriginal minority*, in: G. Johns (Ed.), *Waking up to the Dreamtime, The Illusion of Aboriginal Self-Determination*, Media Masters, Singapore, 2001, pp. 76–101.
- [23] J. Archer, *Howard, Hanson and the importance of symbolic politics*, in: B. Grant (Ed.), *Pauline Hanson, One Nation and Australian Politics*, University of New England Press, Armidale, NSW, 1997, pp. 88–100.
- [24] D. Short, *Australian 'Aboriginal' reconciliation: the latest phase in the colonial project*, *Citizenship Studies* 7 (3) (2003) 291–312.
- [25] Minister for Immigration Multicultural and Indigenous Affairs, *Opening Address, Bennelong Society, Sydney*, http://www.atsia.gov.au/media/speeches/4_09_2004_bennelong.htm, 2004 (accessed 29 January 2005).
- [26] M. Ivanitz, *The demise of ATSIC? Accountability and the coalition government*, *Australian Journal of Public Administration* 59 (1) (2000) 3–12.
- [27] G. Foley, *ATSIC: Flaws in the Machine*, http://www.kooriweb.org/foley/essays/essay_4.html, 1999 (accessed 17 January 2005).
- [28] H. McLaughlin, *Are we headed in the right direction?*, in: G. Johns (Ed.), *Waking up to the Dreamtime The Illusion of Aboriginal Self-Determination*, Media Masters, Singapore, 2001, pp. 125–151.
- [29] W. Sanders, *Commentary: participation and representation in the 2002 ATSIC elections*, *Australian Journal of Political Science* 39 (1) (2004) 175–195.
- [30] Minister for Immigration Multicultural Affairs and Indigenous Affairs, *Suspension of Mr Geoff Clarke as ATSIC Commissioner (Press Release)*, Australian Government, Canberra, 2003.
- [31] J. Hannaford, J. Huggins, B. Collins, *In the hands of the regions—a new ATSIC*, Report of the Review of the Aboriginal and Torres Strait Islander Commission, Commonwealth of Australia, Canberra, 2003.
- [32] J. Hartley, *The government review of ATSIC*, *Indigenous Law Bulletin* 5 (25) (2003) 4–5.

- [33] Senator Amanda Vanstone, Minister for Immigration and Multicultural Affairs and Indigenous Affairs, National Indigenous Council Appointed (Press Release), <http://www.atsia.gov.au/media/media04/v04064.htm>, 2004 (accessed 29 January 2005).
- [34] I. Anderson, Aboriginal Australians, governments, and participation in health systems, in: P. Liamputtong, H. Gardner (Eds.), *Health Social Change and Communities*, Oxford University Press, Melbourne, 2003, pp. 224–240.
- [35] D. Short, Reconciliation, assimilation, and the indigenous peoples of Australia, *International Political Science Review* 24 (4) (2003) 491–513.
- [36] Indigenous Studies Program, Agreements, Treaties and Negotiated Settlements Project, <http://www.atns.net.au/atns.html>, 2004 (accessed 10 April 2005).
- [37] Gilbert and Tobin Law Centre, National Forum, Indigenous Health and the Treaty Debate, http://www.gtcentre.unsw.edu.au/events.asp#National_Forum_The_War_on_Terrorism_and_the_Rule_of_Law, 2004 (accessed 10 April 2005).
- [38] Australian Medical Association, Public Report Card 2002: Aboriginal and Torres Strait Islander Health “No More Excuses”, Australian Medical Association, Canberra, 2002.
- [39] Government of Nunavut, Government of Nunavut, <http://www.gov.nu.ca/Nunavut/> (accessed 28 November 2005).
- [40] Pacific Region Indigenous Doctors Congress, Welcome Pacific Region Indigenous Doctors Congress, 2006, <http://www.conference.co.nz/index.cfm/pridoc2006> (accessed 28 November 2005).
- [41] National Aboriginal Health Organization, Call for Abstracts, International Network of Indigenous Health Knowledge and Development, http://www.naho.ca/english/CallforAbstracts_INIHKD.php (accessed 28 November 2005).